

REMARKS

Claims 1-13, 16-43 and 45-80 are pending in the application. Claims 14, 15, 34, 44, 47-80 have been cancelled. Claims 8, 13, 16, and 46 have been amended. Claims 81-99 have been added.

Claims 1-13, 16-33, 35-43, 45, 46, 73, 74, 78, and 80 are allowed.

Amendments to the Claims

Support for claim amendments provided below reference United States Patent Application Publication Number 20010055788 that relates to the application at issue.

Claim 8 was amended to provide proper antecedent basis for the phrase “said signal peptide” in claim 9. Support for this amendments can be found, *inter alia*, at paragraph 175 of the published patent application. Claims 13, 16, and 46 were amended to further clarify the invention. Support for these amendments can be found, *inter alia*, with the claims as originally filed.

It should be pointed out that new claims 81-88 only contain combinations of limitations that exist in the allowed claims. Thus, support for new claims 81-91 can be found, *inter alia*, with the claims as originally filed. Claim 81 contains the limitations of allowed claim 46 and the “complete complement” language found in any one of allowed claims 35-43. Claim 82 contains the limitations of allowed claim 16 and the “complete complement” language found in any one of allowed claims 35-43. Claims 83 and 84 contain the limitations of allowed claim 73 and the limitations of the claims in which claim 73 depends from. Claims 85 and 86 contain the limitations of allowed claim 78 and the limitations of the claims in which claim 78 depends from. Claims 87 and 88 contain the limitations of allowed claim 80 and the limitations of the claims in which claim 80 depends from. In addition, claims 87 and 88 contain the “complete complement” language found in any one of allowed claims 35-43. Accordingly, claims 73, 78, and 80 are herein canceled. Also, claim 74 is canceled as it was a duplicate of claim 73.

New claims 89-91 contain the nucleic acid limitations of any one of allowed claims 35-43. Support for additional limitations in claims 89 and 90 can be found, *inter alia*, at paragraphs 139, 144, 146, and 156 of the published patent application. Paragraph 156 specifically states that

“[t]he enzymes of the present invention may be a naturally purified product, or a product of chemical synthetic procedures, or produced by recombinant techniques from a prokaryotic or eukaryotic host (for example, by bacterial, yeast, higher plant, insect and mammalian cells in culture). Depending upon the host employed in a recombinant production procedure, the enzymes of the present invention may be glycosylated or may be non-glycosylated.” (emphasis added)

New claims 92, 93, 97 and 98 contain the nucleic acid limitations of any one of allowed claims 35-43. New claim 99 contains the nucleic acid limitations of any one of allowed claims 1-13, 35-43 and 46. Support for additional limitations in claims 92, 93, 97, 98 and 99 can be found, *inter alia*, at paragraphs 66, 84, 101, 115, 199, 120, and 148 of the published patent application.

New claims 94-96 contain the nucleic acid limitations of any one of allowed claims 35-43. Support for additional limitations in claims 94-96 can be found, *inter alia*, at paragraphs 139, 144, 146, and 156 of the published patent application.

Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendment places the case in condition for allowance and places the case in better condition for appeal; the amendment does not raise any issues of new matter; and, the amended and new claims do not present new issues requiring further consideration or search.

Supplemental Information Disclosure Statement (IDS)

Applicant requests that the Examiner consider the supplemental Information Disclosure Statement (IDS) filed January 6, 2006. It is respectfully requested that the information cited therein be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the “references cited” on any patent to issue therefrom.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

Claims 34, 57, and 58 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although Applicant disagrees with the Examiner's assertions as set forth in the Office Action, in an effort to expedite prosecution, Applicant has cancelled claims 34, 57, and 58, making the rejection under 35 U.S.C. § 112, second paragraph, moot.

Rejection of Claims Under 35 U.S.C. § 112, First Paragraph, Enablement

Claims 47-72, 75, 76, 77, and 79 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention.

Although Applicant disagrees with the Examiner's statements as set forth in the Office Action, in an effort to expedite prosecution, Applicant has cancelled claims 47-72, 75, 76, 77, and 79, making the rejection under 35 U.S.C. § 112, first paragraph, moot.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 564462001802. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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